IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 36116 of 2007(Y)

PETITIONER:

M/S. IDEA MOBILE COMMUNICATIONS LTD.,
2ND FLOOR, MERCY ESTATE, RAVIPURAM, KOCHI-682 015,
REPRESENTED BY ITS SENIOR MANAGER,
SRI.RAMACHANDRAN C.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

---

1. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, KERALA STATE ELECTRICITY BOARD,
SHORANUR.

2. THE ASSISTANT ENGINEER (ASSESSING
OFFICER), ELECTRICAL SECTION, KERALA STATE
ELECTRICITY BOARD, CHERPLACHERRY.

BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.36116 of 2007

.....

Dated this the 6th day of December, 2007.

JUDGMENT

The petitioner is a mobile company which availed power connection for their installation for their mobile tower. However, petitioner allowed other companies to use it's tower and also allowed drawal of power from it's connection. This is detected by KSEB and petitioner is served with Ext.P3 order and Ext.P4 bill. Standing Counsel for KSEB submitted that bill raised is for unauthorised use and if petitioner has grievance against the bill confirmed by second respondent under Section 126(3) after hearing petitioner's objections, petitioner has to file appeal under Section 127 of the Electricity Act. Even though petitioner can allow installation of equipments and use of it's tower by other companies, the petitioner has no authority to supply power to such companies from the connection given to it by KSEB. It is for each and every such company sharing use of petitioner's tower to apply for separate connection. The W.P. is therefore disposed of leaving freedom to the petitioner to file appeal against Exts.P3 and P4 before the Deputy Chief Engineer. There will also be direction to the second respondent not to disconnect supply for one month within which

time each and every company sharing the tower-facility should apply for and obtain separate connection, failing which the Board is free to disconnect supply to all including the petitioner. So far as the disputed bill is concerned, there will be direction to the 2nd respondent to withhold recovery and disconnection for three months from now on petitioner depositing rupees one lakh fifty thousand within two weeks from now. First respondent or the appellate authority concerned is directed to dispose of the appeal within two months from the date of filing appeal after making payment as above. Recovery of balance will be based on order in appeal.

W.P. is disposed of as above.

Issue photocopy today itself.

C.N.RAMACHANDRAN NAIR
Judge

pms